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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Bruno MOUGIN et al.

Group Art Unit: 1634

Application No.: 10/594,584

Examiner: S. POHNERT

Filed: September 27, 2006

Docket No.: 129432

For: METHOD FOR THE PROGNOSIS AND/OR DIAGNOSIS OF A CANCER

REQUEST FOR RECONSIDERATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the April 15, 2009 Office Action, reconsideration of the rejections is respectfully requested in light of the following remarks.

I. Rejections Under 35 U.S.C. §103

The Office Action rejects claim 13 under 35 U.S.C. §103(a) over Maestro, Rosivatz, Martin, and Brodeur, and rejects claim 14 under 35 U.S.C. §103(a) over Maestro, Rosivatz, Martin, and Sotirou. Because the rejections are substantially similar to each other they are addressed together.

Applicants respectfully submit that seeking for prognostic markers of a given disease does not necessarily mean that one must understand the mechanisms involved in the etiology of the disease and seek for genes that are actors in the etiology of the disease. Conversely, the genes of a key pathway for a given disease are not necessarily markers of said disease. As an example, for a gene of a key pathway to be an effective marker of the disease, the gene should exhibit a multi-fold change in its expression levels in a diseased state as compared to its